



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: AAR Brooks & Perkins, Advanced Structures Division

File: B-228144

Date: September 17, 1987

DIGEST

Protest alleging that solicitation is deficient because the time period allowed for preparation of proposals is too short and because the specifications unduly restrict competition in a number of ways is untimely, where the protest was filed in the General Accounting Office after the time set for receipt of initial proposals.

DECISION

AAR Brooks & Perkins, Advanced Structures Division, protests that request for proposals (RFP) No. DAJA37-87-R-0639, issued by the United States Army Contracting Command, Frankfurt, Germany, unduly restricts competition in a number of ways. The solicitation solicits proposals for dehumidifiers and related equipment, as well as protective covers for M-60 tanks. The protest concerns only the protective covers.

The protester charges that the RFP is deficient because the time period allowed for preparation of initial proposals is too short. The protester also contends that the specifications deviate from federal military specifications in several areas or are otherwise improper, and, thus, unduly restrict competition in ways that work to the prejudice of American firms.

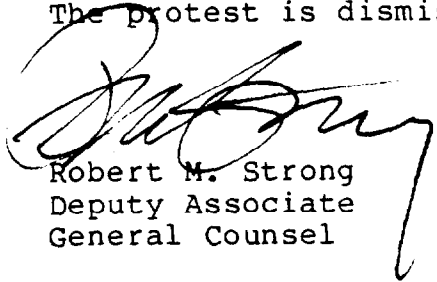
We find the protest to be untimely.

All of the alleged deficiencies were contained in the solicitation and should have been apparent to AAR Brooks & Perkins from reading the RFP. Under our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(1) (1987), a protest alleging improprieties in a solicitation which are apparent before the closing date for receipt of initial proposals must be filed prior to the time set for closing. See Somervell & Associates, Ltd., B-192426, Aug. 18, 1978, 78-2 C.P.D. ¶ 132. Here, the solicitation stated that proposals

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were to be submitted to the contracting activity in Frankfurt by 1400 hours, CET (2:00 p.m., Central European Time). AAR Brook's & Perkins filed its protest in our Office at 1:53 p.m., Eastern Daylight Savings Time. However, the Central European Time zone is 6 hours ahead of the Eastern Daylight Savings Time zone, so that proposals were required to be submitted in Frankfurt 5 hours and 53 minutes before the protest was actually filed at the General Accounting Office. As the protest was submitted after the time set for receipt of proposals, it is untimely and will not be considered on its merits.

The protest is dismissed.



Robert M. Strong
Deputy Associate
General Counsel